

Appln. No. 09/933,814  
Amd. dated November 3, 2003  
Reply to Office Action of July 3, 2003

**REMARKS**

The Office Action has been carefully studied. No claim is allowed. Claims 9, 10, and 20-23 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Claims 9, 10 and 20 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The examiner states that the written description has only set forth the amino acid sequence of SEQ ID NO:2, and is therefore not commensurate in scope to claims that read on fragment and analogs of SEQ ID NO:2, which include analogs of SEQ ID NO:2 that bind to FAS-IC and fragments of SEQ IF NO:2 which binds FAS-IC. This rejection is respectfully traversed.

The present application is a divisional of application no. 08/860,082, in which a Notice of Allowability was received from Examiner Geetha P. Bansal of Art Unit 1642. The language of the analog and fragment recited in claim 20 is identical to the language in allowed claim 41 of parent application no.

08/860,082, which was examined in the same art unit (with Dr. Anthony Caputa as SPE) as the instant application. It should be noted that the analog recited in claim 20 is one which differs

Appln. No. 09/933,814  
Amd. dated November 3, 2003  
Reply to Office Action of July 3, 2003

from the MORT-1 protein having the amino acid sequence of SEQ ID NO:2 by only a single amino acid residue and binds with the intracellular domain of the FAS ligand receptor (FAS-IC).

Examiners Bansal and Caputa agreed at a face-to-face interview on July 18, 2000, that as the specification supported analogs which differed by "at least one" amino acid residue, analogs differing by only a single amino acid residue would be supported by the specification.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By 

Allen C. Yun  
Registration No. 37,971

ACY:pp  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
G:\BN\1\in12\Wallech16B\Pro\amd OA 7-3-03.doc